



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,073	07/30/2007	Joachim Lohr	L7725.06118	2010

52989 7590 03/10/2009

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

03/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,073	Applicant(s) LOHR ET AL.	
	Examiner ARIEL BALAOING	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-74 is/are pending in the application.
- 4a) Of the above claim(s) 65-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-54 and 58-64 is/are rejected.
- 7) ☒ Claim(s) 55-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/10/7; 7/31/6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

2. Applicant's election with traverse of the restriction requirement in the reply filed on 11/12/2008 is acknowledged. The traversal is on the ground(s) that No unduly extensive or burdensome search would be required to examine the various claims of the noted Groups in the same application. This is not found persuasive because the inventions of Group II include structural and functional limitation not disclosed in Group I and therefore would require further search. Furthermore, as this application has been granted Accelerated Status (see Petition Decision (09/05/2008), MPEP 708.02, VIII requires that **if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status.**

The requirement is still deemed proper and is therefore made FINAL.

Drawings

3. Figures 1-11, and 16 (see submitted background of the invention and paragraph 153 and 207 in view of admitted current structures and proposals of various protocols and standards), should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Art Unit: 2617

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 46, 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 43 recites the limitation "the cell interference" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 46, and therefore also dependent claim 47, recites the limitation "informing said other base stations on the allocated **new amount of resources to, if a difference** between the new amount of resources..." on lines 10 and 11 of the claim. It is unclear as to what is informed on "the allocated new amount of resources to". For examination, this limitation is seen as "informing said other base stations on the allocated new amount of resources, if a difference between the new amount of resources..."

Claim Rejections - 35 USC § 103

Art Unit: 2617

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 38-41,44,45,48-54,59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over RANTA-AHO et al (US 2005/0048975) in view of TIEDEMANN et al (US 2005/0037771 A1).

Regarding claim 38, RANTA-AHO discloses a method for communicating information relating to the scheduling of uplink data transmissions, wherein a mobile terminal transmits data on the uplink to a plurality of base stations [**Node B's**] during soft handover of the mobile terminal [**UE device**] in a mobile communication system, and wherein at least one base station of said plurality of base stations schedules uplink data transmissions of the mobile terminal in soft handover (abstract; paragraph 4; active node B provides scheduling of uplink data rate to the UE), the method comprising the steps of: determining, at the at least one scheduling base station of said plurality of base stations, scheduling information indicative of an allocated maximum amount of uplink resources (paragraph 13, 14; serving NodeB includes a pointer indicating maximum uplink data rate), informing at least one other base station of said plurality of base stations of the allocated maximum amount of uplink resources (paragraph 13, 14, 16; during soft handover, uplink data rate is updated of target Node B including synchronization of pointer in UE and target Node B), and scheduling, by the at least one other base station using the indicated maximum amount of uplink resources allocated to said mobile terminal in soft handover (paragraph 16, 19, 21; uplink resources are scheduled to the UE based on determined maximum uplink data rate). However, RANTA-AHO does not expressly disclose wherein scheduling at least one other mobile terminal in communication with a respective base station using indicated uplink resources allocated to a mobile terminal in soft handover. In a similar field of endeavor, TIEDEMANN discloses scheduling at least one other mobile terminal in communication with a respective base

Art Unit: 2617

station using indicated uplink resources allocated to a mobile terminal in soft handover (paragraph 93, 96; non serving basestation schedules a plurality of mobile stations according to an expected load based on determined resources of mobile stations in soft handover). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RANTA-AHO to include the teachings of TIEDEMANN, since TIEDEMANN states that such a modification would allow a system to predict changes of a load capacity and optimize base station operations based on these predictions (see paragraph 4). Furthermore, providing resources to a newly added device at a base station would inherently change the amount of resources available to current devices, and therefore would affect the base stations scheduling of additional resources.

Regarding claim 39, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses further comprising the step of signaling by said at least one scheduling base station the determined scheduling information to the mobile terminal in soft handover to allocate the maximum amount of resources to the mobile terminal used for uplink data transmissions (paragraph 29, 30).

Regarding claim 40, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses wherein the maximum amount of resources indicates the maximum data rate or the uplink maximum transmission power ratio that may be used by the mobile terminal for uplink transmissions (paragraph 30).

Regarding claim 41, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses wherein the at least one scheduling base station schedules uplink data transmissions by controlling the TFCS available to the mobile terminal in soft handover for uplink data transmission or by controlling the uplink transmission power ratio of the mobile terminal (Figure 1; paragraph 3, 32).

Regarding claim 44, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses wherein the indicated allocated maximum amount of uplink resources is transported using control signaling (paragraph 30; scheduling command).

Regarding claim 45, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses wherein the scheduling base station determines, signals and indicates the maximum amount of uplink resources allocated to the mobile terminal in soft handover each time the mobile terminal in soft handover is scheduled (paragraph 34; control base stations indicates scheduling during handover).

Regarding claim 48, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN further discloses wherein the plurality of base stations defines the active set of the mobile terminal in soft handover and wherein the method further comprises the steps of adding a base station to the active set of the mobile terminal and signaling the maximum amount of resources allocated to the mobile terminal in soft handover to said added base station by the radio resource

Art Unit: 2617

controlling entity (TIEDEMANN - paragraph 38, 39, 44; active set of the mobile terminal based on sufficient signal measurements. Since measurements are provided to base stations in active set, newly added base stations would be provided resource information).

Regarding claim 49, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN further discloses wherein information for signaling of the maximum amount of resources to said added base station is comprised within a message communicated during the active set update procedure (TIEDEMANN - paragraph 38, 39, 44; when active set is updated, resource information can be provide to non-active base station on list).

Regarding claim 50, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses wherein one base station of said plurality of base stations schedules uplink data transmissions of the mobile terminal in soft handover to all base stations of said plurality of base stations (paragraph 31; controlling scheduling cell controls the uplink data rate).

Regarding claim 51, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RANTA-AHO does not expressly disclose wherein each of said base stations schedules uplink data transmissions of the mobile terminal in soft handover to the respective one of said plurality of base stations. TIEDEMANN discloses wherein each of said base stations schedules uplink data transmissions of the mobile terminal in soft

Art Unit: 2617

handover to the respective one of said plurality of base stations (abstract; uplink resources controlled by each base station). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RANTA-AHO to include the teachings of TIEDEMANN, since TIEDEMANN states that such a modification would improve efficiency of the system by reducing delays caused by communication with a central controller (see abstract).

Regarding claim 52, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN further discloses wherein each of the plurality of base stations determines scheduling information indicative of a maximum amount of resources allocated to the mobile terminal by the respective base station (TIEDEMANN - abstract), and signals the determined scheduling information to the mobile terminal in soft handover to allocate the maximum amount of resources to the terminal for uplink data transmission to the respective base station (RANTA-AHO - paragraph 29, 30).

Regarding claim 53, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANT-AHO further discloses choosing by a mobile terminal the lowest assigned maximum amount of resources for uplink transmissions to all base stations of the plurality of base stations (paragraph 29, 30; lowest assigned maximum corresponds to maximum uplink rate).

Regarding claim 54, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses further comprising the step of forming by the mobile terminal a combined maximum amount of uplink resources on the assigned maximum amounts of uplink resources, which is used by the mobile terminal for uplink transmissions to all base stations of the plurality of base stations (paragraph 29, 30; maximum uplink rate set by the controlling Node B).

Regarding claim 59, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of TIEDEMANN further discloses wherein the maximum allocated amount of uplink resources is signaled from a base station to the mobile terminal via a shared channel or a dedicated channel (TIEDEMANN – paragraph 27; forward link would inherently require a shared or dedicated channel for wireless transmission).

Regarding claim 60, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN discloses the claimed invention except for the use of E-DCH to transmit uplink data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the use of a E-DCH to transmit uplink data since the examiner takes Official Notice of the equivalence of a wireless communication link and a E-DCH for their use in the wireless communication art, and the selection of any of these known equivalents to transmit uplink data would be within the level of ordinary skill in the art. Further

Art Unit: 2617

support for the conventional aspects of using E-DCH can also be found in the applicant's description of the prior art (see paragraph 75-77 of the specification).

Regarding claim 61, RANTA-AHO teaches a mobile communication system communicating information relating to the scheduling of uplink data transmissions, wherein a mobile terminal [**UE device**] transmits data on the uplink to a plurality of base stations [**Node B**] during soft handover of the mobile terminal in the mobile communication system, and wherein at least one base station of said plurality of base stations schedules uplink data transmissions of the mobile terminal in soft handover (abstract; paragraph 4; active node B provides scheduling of uplink data rate to the UE), the communication system comprising said plurality of base stations, wherein the at least one scheduling base station of said plurality of base stations is operable to determine scheduling information indicative of an allocated maximum amount of resources and is operable to inform at least one other base stations of the plurality of base stations of the allocated maximum amount of uplink resources (paragraph 13, 14; serving NodeB includes a pointer indicating maximum uplink data rate), and wherein the at least one other base station is operable to schedule one mobile terminal in communication with a respective base station using the indicated maximum amount of uplink resources allocated to said mobile terminal in soft handover (paragraph 16, 19, 21; uplink resources are scheduled to the UE based on determined maximum uplink data rate). However, RANTA-AHO does not expressly disclose wherein scheduling at least one other mobile terminal in communication with a respective base station using indicated uplink resources

Art Unit: 2617

allocated to a mobile terminal in soft handover. In a similar field of endeavor, TIEDEMANN discloses scheduling at least one other mobile terminal in communication with a respective base station using indicated uplink resources allocated to a mobile terminal in soft handover (paragraph 93, 96; non serving basestation schedules a plurality of mobile stations according to an expected load based on determined resources of mobile stations in soft handover). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RANTA-AHO to include the teachings of TIEDEMANN, since TIEDEMANN states that such a modification would allow a system to predict changes of a load capacity and optimize base station operations based on these predictions (see paragraph 4). Furthermore, providing resources to a newly added device at a base station would inherently change the amount of resources available to current devices, and therefore would affect the base stations scheduling of additional resources.

Regarding claim 62, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RANTA-AHO further discloses wherein the at least one scheduling base station is operable to signal the determined scheduling information to the mobile terminal in soft handover to allocate the maximum amount of resources to the terminal (paragraph 29, 30).

Regarding claim 63, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN further discloses wherein the other base stations of said plurality of base stations are operable to schedule at least one other mobile

Art Unit: 2617

terminal in communication with a respective base station taking into account the indicated maximum amount of resources allocated to said mobile terminal in soft handover (TIEDEMAN - paragraph 93, 96).

10. Claims 42, 43, 58, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over RANTA-AHO et al (US 2005/0048975) in view of TIEDEMANN et al (US 2005/0037771 A1) and further in view of LEGG et al (US 6,414,947).

Regarding claim 42, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN further discloses wherein indicating the allocated maximum amount of uplink resources comprises the steps of: signaling the allocated maximum amount of resources from the at least one scheduling base and forwarding the allocated maximum amount of resources to the other base stations (RANTA-AHO – paragraph 29, 30). However, the combination of RANTA-AHO and TIEDEMANN does not expressly disclose wherein the indicated allocated maximum amount of uplink resources is transported via a network entity controlling radio resources of the mobile terminal in soft handover. In the same field of endeavor, LEGG discloses wherein an indicated allocated amount of uplink resources is transported via an network entity [**radio network controller**] controlling radio resources of the mobile terminal in soft handover, and wherein indicating the allocated amount of uplink resources comprises the steps of: signaling the allocated maximum amount of resources from the at least one scheduling base station to a network entity controlling radio resources of said mobile terminal in soft handover, and forwarding the allocated maximum amount

Art Unit: 2617

of resources to the other base stations by the radio resource controlling entity (col. 5, line 55-60; col. 6, line 15-34; resources allocated for a mobile in soft handover using associated cell determination information forwarded from the network controller). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RANTA-AHO and TIEDEMANN to include the teachings of LEGG, since the use of a network controller provides various configuration processing and coordination between various network elements and would allow control functions to be implemented between connected network elements.

Regarding claim 43, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO, TIEDEMANN, and LEGG further discloses wherein the radio resource controlling entity determines whether to forward the allocated maximum amount of uplink resources to a respective one of said other base stations based on the cell interference within the radio cell controlled by the respective one of said other base stations (TIEDEMANN - paragraph 38, 39, 44; TIEDEMANN describes forwarding of information based on an Active base station set of the mobile station which is formed using signal strength indicators (i.e. interference), while LEGG teaches forwarding of information using a radio network entity).

Regarding claim 58, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RANTA-AHO and TIEDEMANN does not expressly disclose further comprising the step of requesting by a network entity controlling the radio resources of the

Art Unit: 2617

mobile terminal in soft handover from at least one base station of said plurality of base station to signal the maximum amount of resources allocated to the mobile terminal in soft handover to said radio resource controlling entity. In a similar field of endeavor, LEGG teaches requesting by a network entity [**Radio Network Controller**] controlling the radio resources of a mobile terminal in soft handover from at least one base station of a plurality of base station to signal the maximum amount of resources allocated to the mobile terminal in soft handover to said radio resource controlling entity (col. 5, line 55-60; col. 6, line 15-34; resources allocated for a mobile in soft handover using associated cell determination information forwarded from the network controller). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RANTA-AHO and TIEDEMANN to include the teachings of LEGG, since the use of a network controller provides various configuration processing and coordination between various network elements and would allow control functions to be implemented between connected network elements.

Regarding claim 64, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RANTA-AHO and TIEDEMANN further discloses wherein the mobile terminal in soft handover and said plurality of base stations are operable to perform the steps of a method for communicating information relating to the scheduling of uplink data transmissions, wherein a mobile terminal transmits data on the uplink to a plurality of base stations [**Node B's**] during soft handover of the mobile terminal

[**UE device**] in a mobile communication system, and wherein at least one base station of said plurality of base stations schedules uplink data transmissions of the mobile terminal in soft handover (RANTA-AHO - abstract; paragraph 4; active node B provides scheduling of uplink data rate to the UE), the method comprising the steps of: determining, at the at least one scheduling base station of said plurality of base stations, scheduling information indicative of an allocated maximum amount of uplink resources (RANTA-AHO - paragraph 13, 14; serving NodeB includes a pointer indicating maximum uplink data rate), informing at least one other base station of said plurality of base stations of the allocated maximum amount of uplink resources (RANTA-AHO -paragraph 13, 14, 16; during soft handover, uplink data rate is updated of target Node B including synchronization of pointer in UE and target Node B), and scheduling, by the at least one other base station at least one other mobile terminal in communication with a respective base station using the indicated maximum amount of uplink resources allocated to said mobile terminal in soft handover, wherein the maximum amount of resources indicates the maximum data rate or the uplink maximum transmission power ratio that may be used by the mobile terminal for uplink transmissions (RANTA-AHO - paragraph 16, 19, 21; uplink resources are scheduled to the UE based on determined maximum uplink data rate; TIEDEMANN - paragraph 93, 96; non serving basestation schedules a plurality of mobile stations according to an expected load based on determined resources of mobile stations in soft handover). However, the combination of RANTA-AHO and TIEDEMANN does not expressly disclose network entity controlling the radio

Art Unit: 2617

resources of the mobile terminal in soft handover and wherein the mobile terminal in soft handover. In the same field of endeavor, LEGG discloses network entity controlling the radio resources of the mobile terminal in soft handover and wherein the mobile terminal in soft handover (col. 5, line 55-60; col. 6, line 15-34; resources allocated for a mobile in soft handover using associated cell determination information forwarded from the network controller). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RANTA-AHO and TIEDEMANN to include the teachings of LEGG, since the use of a network controller provides various configuration processing and coordination between various network elements and would allow control functions to be implemented between connected network elements.

Allowable Subject Matter

11. Claims 46 and 47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 55-57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 46, the prior art of record does not disclose the steps of determining at the at least one scheduling base station new scheduling

Art Unit: 2617

information indicative of a new maximum amount of resources allocated to the mobile terminal, signaling by the at least one scheduling base station the determined second scheduling information to the mobile terminal in soft handover to allocate the new maximum amount of resources to the terminal, and informing said other base stations on the allocated new amount of resources to, if a difference between the new amount of resources and the previous maximum amount of resources is larger than a predetermined threshold value.

Regarding claim 55, the prior art of record does not disclose herein each of the plurality of base stations indicates its allocated maximum amount of resources to a network entity controlling the radio resources of the mobile terminal in soft handover and at least a subset of the plurality of base stations schedules at least one mobile terminal in communication with the respective base station taking into account a combined value or a lowest value of a maximum amount of resources signaled to the respective base station from the radio resource control entity.

Claims 47, 56, and 57 are objected to as being dependent on allowable subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARIEL BALAOING whose telephone number is (571)272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ariel Balaoing/
Examiner, Art Unit 2617

/A. B./
Examiner, Art Unit 2617